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FAX: 44-207-448-3029

**ENRIQUE D. LONGTON, Ph.D.**  
DIRECT DIAL NUMBER  
202-835-7525  
E-MAIL: elongton@milbank.com

**FACSIMILE TRANSMISSION****DATE:** March 17, 2005**To:**

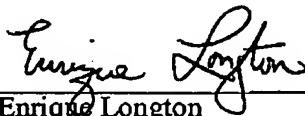
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**FROM:** Enrique Longton **PHONE:** (202) 835-7525**RE:** US Patent Application Serial No. 10/040,830

FILE NUMBER: 33677.00700US		
NUMBER OF PAGES, INCLUDING COVER:	7	ORIGINALS FOLLOW BY MAIL: NO

**MESSAGE:**

I hereby certify that this Petition for Extension of Time Under 37 CFR 1.136(a) is being facsimile transmitted to the USPTO on March 17, 2005.



\_\_\_\_\_  
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 PAGE 1/1 \* RCVD AT 3/17/2005 1:31:26 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/4 \* DNS:8729308 \* CSID:2028357586 \* DURATION (mm:ss):02-52

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/040,830

Filing Date

January 8, 2002

First Named Inventor

Gary E. Borodic

Art Unit

1645

Examiner Name

Vanessa L. Ford

Attorney Docket Number

33677.00700

**ENCLOSURES (Check all that apply)**

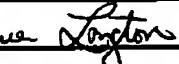
- Fee Transmittal Form  
 Fee Attached  
 Amendment/Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Reply to Missing Parts/ Incomplete Application  
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation  
 Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_  
 Landscape Table on CD

**Remarks**

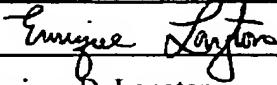
1. Credit Card Authorization Form
2. Petition for Extension of Time (PTO/SB/17)
3. Petition for Extension of time Under 37 CFR 1.136(a)

 After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please identify below):**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Milbank, Tweed, Hadley & McCloy LLP		
Signature			
Printed name	Enrique D. Longton		
Date	March 17, 2005	Reg. No.	47,304

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Enrique D. Longton	Date	March 17, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

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<b>Effective on 12/08/2004.</b> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i> <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
		Application Number	10/040,830
		Filing Date	January 8, 2002
		First Named Inventor	Gary E. Borodic
		Examiner Name	Vanessa L. Ford
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1645
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		330.00	
		Attorney Docket No.	33677.00700US

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 13-3250 Deposit Account Name: 33677.00700US

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
 under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	<u>Small Entity</u>
Each claim over 20 (including Reissues)	50 25
Each independent claim over 3 (including Reissues)	200 100
Multiple dependent claims	360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=			

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): One Month Extension of Time \$330.00

<b>SUBMITTED BY</b>			
Signature	<i>Enrique D. Longton</i>	Registration No. 47,304 (Attorney/Agent)	Telephone (202) 835-7525
Name (Print/Type)	Enrique D. Longton	Date March 17, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 17 2005

PTO/SB/22 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional)
FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		33677.00700US
Application Number 10/040,830		Filed January 8, 2002
<b>For The Use of Botulinum Toxin for the Treatment of Chronic Facial Pain</b>		
Art Unit 1645		Examiner Vanessa L. Ford
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	<u>Fee</u>	<u>Small Entity Fee</u>
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>13-3250</u> . I have enclosed a duplicate copy of this sheet.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the <input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).		
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>47,304</u>		
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		
<u>Enrique D. Longton</u> Signature		March 17, 2005 Date
<u>Enrique D. Longton</u> Typed or printed name		(202) 835-7525 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03/17/2005 EKOL11 00000017 10040830

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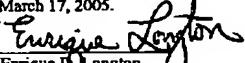
MAR 17 2005

U.S. Application Serial No. 10/040,830  
Attorney Docket No.: 33677-00700

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Gary E. BORODIC <i>et al.</i>	)	
	)	
Application Serial No.: 10/040,830	)	Group Art Unit: 1645
	)	
Filed: January 8, 2002	)	Examiner: Vanessa L. Ford
	)	
Title: <i>The Use of Botulinum Toxin For The Treatment of Chronic Facial Pain</i>	)	
	)	

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on March 17, 2005.

  
 Enrique D. Longton  
 Reg. No. 47,304

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 Alexandria, VA 22313-1450

**PETITION FOR EXTENSION OF TIME**  
UNDER 37 C.F.R. 1.136(a)

In response to the Office Action mailed September 2, 2004, Applicants timely filed a Notice of Appeal and an Amendment After Final on December 20, 2004 with a petition for a one-month extension of time and the required fee. An Advisory Action mailed February 16, 2004 (four days before the Appeal Brief was due) indicated that the Amendment After Final would not be entered. Applicants filed a petition for a one-month extension of time on February 18, 2005 with the required fee. Applicants submit herewith a second one-month extension of time and the required fee.

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 13-3250. EXCEPT for issue fees

U.S. Application Serial No. 10/040,830  
Attorney Docket No.: 33677-00700

payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 13-3250. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MILBANK, TWEED, HADLEY & McCLOY LLP**

By: *Enrique Longton*  
Enrique Longton  
Reg. No. 47,304

Dated: March 17, 2005

**Customer No. 000038647**  
**MILBANK, TWEED, HADLEY & McCLOY LLP**  
1825 Eye Street, NW Suite 1100  
Washington, DC 20006  
202-835-7500